

REMARKS

This application is a continuation of USSN 10/112,450 filed March 29, 2002, now US Patent No. 6,682,348.

Claims 1-41, 47 and 48 remain in this application. Claims 42-46 were previously canceled.

Applicants appreciate the Examiner's indication that claims 22-27 and 36-41 are directed to allowable subject matter.

Claims 1-41, 47 and 48 have been rejected for obviousness-type double patenting over claims 1-44 of the parent case, US Patent No. 6,682,348. Applicants enclose a Terminal Disclaimer for the present application and request that this rejection be withdrawn.

Claim 35 has been rejected under 35 USC §102(b) as anticipated by US Patent No. 6,083,002 to Martin et al. The Examiner argues Martin teaches an apparatus for dispensing material comprising a barrel including a body portion and a tube portion, the tube portion extending from the body portion and including a tip configured for being deformed to at least one different cross-sectional geometry (column 4, line 47), and a plunger, at least a portion of which is slidably housed within the barrel.

Applicants respectfully traverse this rejection. The present claims require that the tip be configured for being deformed to at least one cross-sectional geometry different from its initial cross-sectional geometry. Martin does not teach this. Column 4, lines 45-47 of Martin merely state that the Martin nozzle is "sufficiently bendable upon the application of finger pressure so that the user can readily bend the nozzle 20 to a particular angle or configuration as desired." This does not amount to a specific teaching of deformation from one cross-sectional geometry to another.

Similarly, claims 1-21, 28-34, 47 and 48 have been rejected under 35 USC §103(a) as obvious over US Patent No. 5,236,355 to Brizzolara et al. in view of Martin. The Examiner argues that it would have been obvious to modify the apparatus of Brizzolara with the tip of Martin.

Applicants maintain the claimed change in cross-sectional geometry is not shown or suggested by Martin.

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In particular, the subject matter of claims 47 and 48, wherein the initial cross-sectional geometry is circular and the different cross-sectional geometry is oval, is not taught or suggested by Martin.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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